

In the United States District Court for the
Southern District of New York

SeanPaul Reyes
Plaintiff

v.

The City of New York,
Defendant

Case No. 23-cv-6369

DECLARATION OF ANDREW CASE IN SUPPORT OF CLERK'S
CERTIFICATE OF DEFAULT

Pursuant to 28 U.S.C. § 1746, Andrew Case, counsel for Plaintiff SeanPaul Reyes, declares as follows:

1. My name is Andrew Case and I am a Supervising Attorney at LatinoJustice PRLDEF; in that capacity I represent the plaintiff in the above-captioned matter. I make this declaration in support of a Clerk's Certificate of Default.
2. Defendant the City of New York is not an infant, not in the military, and not an incompetent person.
3. Plaintiff filed the Complaint on July 24, 2023 and served Defendant on July 28, 2023 through the New York law Department's official window for acceptance of service. (Doc. 11)
4. Defendant opposed Plaintiff's motion for a preliminary injunction and appeared in court to argue against it. Defendant has subsequently filed a notice of appeal of that order and sought a stay pending appeal at the Second Circuit.
5. While Defendant did appear to oppose Plaintiff's Motion for a Preliminary

Injunction, and has appealed the Court's order granting that injunction, Defendant has failed to file an answer despite repeated emails and notices that an answer is past due. Defendant has likewise not responded to requests to confer pursuant to Rule 26(f).

6. Attached as **Exhibit 1** is a proposed Clerk's Certificate of Default, filed separately.

7. Attached as **Exhibit 2** is a true and accurate copy of an email exchange between counsel regarding the answer and the 26(f) conference.

8. While Plaintiff recognizes that Defendant has appeared in this matter and has responded to motion practice, its failure to file an answer is delaying the progress of this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Dated November 16, 2023, Kings County New York.



Andrew Case